

ONE HUNDRED SEVENTH LEGISLATURE - SECOND SESSION - 2022
COMMITTEE STATEMENT
LB889

Hearing Date: Tuesday January 25, 2022
Committee On: Agriculture
Introducer: Halloran
One Liner: Change provisions of the Nebraska Hemp Farming Act

Roll Call Vote - Final Committee Action:
Advanced to General File

Vote Results:

Aye: 8 Senators Brandt, Brewer, Cavanaugh, J., Gragert, Groene, Halloran, Hansen, B., Lathrop

Nay:

Absent:

Present Not Voting:

Oral Testimony:

Proponents:

Senator Steve Halloran
Steve Wellman
Andrew Bish
John K. Hansen

Representing:

Introducer
Nebraska Department of Agriculture
Self
Nebraska Farmers Union

Opponents:

Representing:

Neutral:

Gregory C. Lauby

Representing:

SR et tu, LLC

Summary of purpose and/or changes:

LB 889 makes a series of revisions to the Nebraska Hemp Farming Act to be consistent with the Final Rule of the USDA implementing the 2018 Farm Bill hemp provisions to make other minor adjustments to facilitate administration of the Act.

Section-by-section summary.

Sec. 1: Amends Section 2-503 to update the definition of "acceptable THC level" and "measurement of uncertainty" to incorporate these terms as defined by 7 CFR 990 as existing on January 1, 2022. The revisions to these definitions in the final rule removes an ambiguity that the .3% threshold refers to total THC. LB 889 also inserts a new defined term for "remediation" incorporating that term as defined in 7 CFR 990.

Sec. 2: Amends Section 2-504 which assigns rulemaking and implementing authority for various purposes to the Department. The revisions authorize the Department to also accomplish necessary changes in requirements governing hemp production through an amendment to the state hemp plan and specify purposes for recordkeeping requirements.

Sec. 3: Amends Section 2-505 to remove an obsolete external reference and to adopt the most recent reference to a federal CFR definition of "key participants."

Secs. 4, 6 & 12: Amends Sections 2-506, 2-509 & 2-514 to strike an obsolete external reference

Sec. 5: Amends Section 2-508 to remove a date-specific requirement for initial license application or annual license renewal and removes what becomes obsolete late fee provisions.

Sec. 7: Amends Section 2-510 to specify that destruction of non-compliant hemp be performed within 30 days of notification by the Department.

Sec. 8: Amends Section 2-511 to increase the threshold at which hemp exceeding the acceptable THC level is deemed a negligent violation from 0.5% to 1.0%. Note, this does not increase the THC concentration of hemp that may be harvested. Any hemp above 0.3% THC is still subject to destruction.

Sec. 9: Amends Section 2-514 to:

- remove statutory prescription that sampling occurs at each lot to defer to sampling as specified in the hemp plan. The hemp plan will continue to require sampling and testing of each lot unless the Department amends the plan to allow alternative sampling where appropriate for certain categories of hemp as authorized under the final rule.
- increase the harvest deadline after sample collection from 15 to 30 days.
- require 7-days notice of a request for official sample collection and provides that the licensee assumes the risk of any damage resulting from failure to timely request sampling.
- add remediation, if allowed by the Department, as an option in the event of an adverse test result.

Sec. 10: Amends Section 2-515 which prescribes documentation to be carried by persons transporting hemp. LB 889 clarifies that this duty applies when transporting hemp cultivated under the Hemp Farming Act. Expands an exclusion for growers when transporting untested hemp for purpose of private testing to include testing for any private purpose.

Sec. 11: Amends Section 2-517 to require the Nebraska Hemp Commission to meet at least annually instead of quarterly.

Sec. 13. Repealer

Sec. 14: Outright repeals obsolete Section 2-5701.

Steve Halloran, Chairperson